

Remarks

Claims 21-26 are pending.

Claims 21-26 are rejected by the Examiner.

Claims 21-26 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Claims 21-26 have been amended to more clearly define what a 'truncated V.34 Phase 1 negotiation' is intended to convey. Apparently, it was not clear previously that the description given with regard to step 4a, page 6 lines 5-12 of the Applicant's specification beyond the phrase 'truncated V.34 Phase 1' describes the truncated process. This also applies to the discussion of step 4b on page 6, lines 15-21. A local, truncated process as disclosed is a negotiation that occurs between the originating high-speed modem and the originating gateway, where in a 'normal' V.34 negotiation, the originating high-speed modem would be negotiating with the called high-speed modem just using the gateways as conduits. Applicant submits that these amendments to the claims overcome the objection, as it is now clear that the subject matter is described in the specification clearly conveyed that the inventor had possession of the claimed invention.

Claims 21-26 are rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As indicated above, claims 21-26 have been amended to define the meaning of a local, truncated V.34 Phase 1 negotiation, which in turn would allow one skilled in the art to understand that the text on page 5, and again on page 7, lines 16-26, are what is involved in a local, truncated V.34 Phase 1 negotiation.

Therefore, Applicant submits that these claims are described in the specification in such as was as to enable one skilled in the art to make and/or use the invention.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Julie L. Reed
Reg. No. 35,349

210 SW Morrison St., Suite 400
Portland, OR 97204
503-222-3613